

NOTICE OF OBJECTION TO CONFIRMATION

PHH MORTGAGE CORPORATION has filed papers with the Court to object to the Confirmation of the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to object to the Confirmation of the Chapter 13 Plan, or if you want the Court to consider your views on the Objection, then on or before 01/30/2019, you or your attorney must:

File with the Court an answer, explaining your position at:

**Clerk
U.S. Bankruptcy Court
400 Cooper Street, 4th Floor
Camden, NJ 08101**

If you mail your response to the Court for filing, you must mail it early enough so that the Court will *receive* it on or before the date stated above.

You must also mail a copy to:

Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103

Isabel C. Balboa, Trustee
Cherry Tree Corporate Center
535 Route 38 - Suite 580
Cherry Hill, NJ 08002

Attend the hearing scheduled to be held on 02/06/2019 in the CAMDEN Bankruptcy Court, at the following address:

**U.S. Bankruptcy Court
400 Cooper Street, 4th Floor
Camden, NJ 08101**

If you or your attorney do not make these steps, the Court may decide that you do not oppose the relief sought in the Objection and may enter an Order granting that relief.

Date: December 18, 2018

/s/ Sherri J. Smith
Sherri J. Smith, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 47923
Fax: 856-813-5501
Email: Sherri.Smith@phelanhallinan.com

File No. 819216

Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard
Philadelphia, PA 19103
856-813-5500
FAX Number 856-813-5501
PHH MORTGAGE CORPORATION

In Re:

RICHARD R. HARKER
NATALIE J. HARKER

Debtors

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

Chapter 13

Case No. 18-33015 - JNP

Hearing Date: 02/06/2019

The undersigned, Phelan Hallinan Diamond & Jones, PC, attorneys for Secured Creditor, PHH MORTGAGE CORPORATION, the holder of a Mortgage on debtors' residence located at 37 SANDRA WAY, FRANKLINVILLE, NJ 08322 hereby objects to the Confirmation of the debtors proposed Chapter 13 Plan on the following grounds:

1. Movant is PHH MORTGAGE CORPORATION.
2. Movant is in the process of filing a proof of claim. The approximate arrears are \$11,245.27.
3. Debtors' Plan fails to cure the delinquency pursuant to 11 U.S.C. §1322(b)(5).
4. Debtors' Plan currently provides for payment to Movant in the amount of \$0.00.
5. Debtors' Plan provides for the Debtors' pursuit of a loan modification. Debtors' Plan is speculative in nature in that the Plan contemplates curing the arrears through a loan modification that has neither been offered nor approved.
6. Movant objects to Debtors' Plan as it is underfunded. Debtors' Plan should be amended to fully fund the arrears owed to Movant.
7. Additionally, Debtors' Plan fails to provide for the full monthly post-petition payment owed to Movant under the terms of the Note and Mortgage. Movant objects to any

post-petition payment amount less than 100% of what is required. Accordingly, confirmation of Debtors' proposed Plan should be denied.

WHEREFORE, PHH MORTGAGE CORPORATION respectfully requests that the Confirmation of Debtors' Plan be denied.

/s/ Sherri J. Smith
Sherri J. Smith, Esq.
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
Tel: 856-813-5500 Ext. 47923
Fax: 856-813-5501
Email: Sherri.Smith@phelanhallinan.com

Dated: December 18, 2018

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

819216
Phelan Hallinan Diamond & Jones, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
856-813-5500
Attorneys for PHH MORTGAGE CORPORATION

In Re:

RICHARD R. HARKER
NATALIE J. HARKER

Case No: 18-33015 - JNP

Hearing Date: 02/06/2019

Judge: JERROLD N. POSLUSNY
JR.

Chapter: 13

CERTIFICATION OF SERVICE

1. I, MICHAEL ROCKS:

☐ represent the _____ in the above-captioned matter.

☒ am the secretary/paralegal for Phelan Hallinan Diamond & Jones, PC, who represents PHH MORTGAGE CORPORATION in the above captioned matter.

☐ am the _____ in the above case and am representing myself.

2. On December 18, 2018 I sent a copy of the following pleadings and/or documents to the parties listed below:

Objection to Plan

3. I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

Dated: December 18, 2018

/s/ MICHAEL ROCKS
MICHAEL ROCKS

| Name and Address of Party Served | Relationship of Party to the Case | Mode of Service |
|--|-----------------------------------|---|
| Natalie J. Harker 37 Sandra Way Franklinville, NJ 08322 | Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
| Richard R. Harker 37 Sandra Way Franklinville, NJ 08322 | Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
| Brad J. Sadek, Esquire Sadek and Cooper 1315 Walnut Street Ste 502 Philadelphia, PA 19107 | Debtor's Attorney | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
| Isabel C. Balboa, Trustee Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002 | Trustee | <input type="checkbox"/> Hand-delivered <input type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |

| | | |
|--|---------|---|
| U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102 | Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *) |
|--|---------|---|

* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.